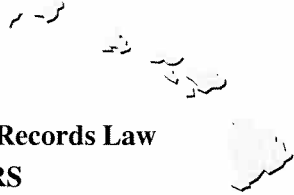
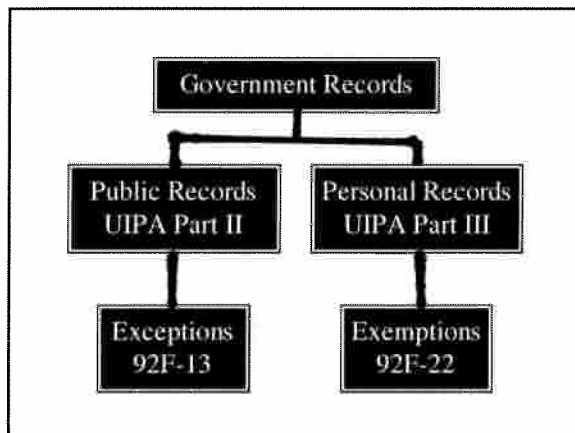


The Uniform Information Practices Act (Modified)

Hawaii's Public Records Law
Chapter 92F, HRS





PUBLIC RECORDS

Part II of the UIPA

General Rule

All government records are open to public inspection and copying unless restricted or closed by law



General Rule

Presumption of open records puts burden upon agency to justify denial of access to records



Required Disclosure

HRS § 92F-12(a):

- (3) Government purchasing information, including all bid results, except to the extent prohibited by section 92F-13

Required Disclosure

HRS § 92F-12(b):

(2) Disclosure pursuant to federal law or a statute of this State

Required Disclosure

HRS § 103D-303:

(d) Register of proposals shall be prepared . . . and shall be open for public inspection after contract award.

5 Exceptions to Disclosure

1. Privacy Exception
2. Litigation Privilege Exception
3. Frustration Exception
4. Law or Order Exception
5. Legislature Exception



Privacy Exception



- “clearly unwarranted invasion of personal privacy”
 - “Significant privacy interest” and
 - Not outweighed by public interest in disclosure

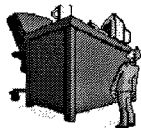
Significant Privacy Interests

- Health information
- Social Security Numbers
- Personal contact information
- Financial information
- Criminal law investigation
- Social services or welfare benefits
- Personnel file type information



Public Interest In Disclosure

- Sheds light on agency’s performance and conduct of government officials
- Promotes government accountability



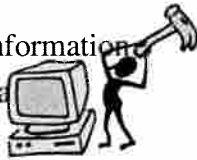
Frustration Exception

- Avoid frustrating a legitimate government function



Examples of “Frustration”

- Law Enforcement Records
- Unfair Advantage to Bidder or Increased Procurement Costs
- Proprietary Information
- Confidential Business Information
- Internal Agency Memoranda

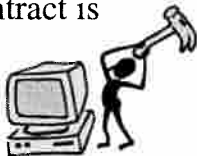


Examples of “Frustration”

- Unfair Advantage to Bidder or Increased Procurement Costs

Haw Sup. Ct: Disclosure of proposals before contract is final

Kaapu v. ATDC, 74 Haw. 365



Examples of “Frustration”

■ Proprietary Information

- Research methods, records and data, computer programs and software, copyrighted information



Examples of “Frustration”

■ Confidential Business Information

- Trade secrets
- Confidential commercial and financial information
- Substantial competitive harm is likely



Internal Agency Memos

- “Deliberative Process Privilege”
- Recommendations or opinions that are:
 - Pre-decisional, and
 - Part of the decision-making process



Confidential by Law

■ HRS § 103D-303:

(d) Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation.

Confidential by Law

■ HRS § 103D-303:

(f) In conducting discussions [with offerors before contract award], there shall be no disclosure of any information derived from proposals submitted by competing offerors.

UIPA Power Points (things to remember)



- Records presumed public
- 5 exceptions to disclosure
- Respond in 10 business days

Within 10 Business Days

Provide:

- Record,
- Notice, or
- Acknowledgement



REQUEST TO ACCESS A GOVERNMENT RECORD

DATE: October 25, 2006
TO: Department of Health
FROM: Keoki Public
Keoki@PublicADL.com
Keoki@PublicADL.com

Although you are not required to provide any personal information, you should provide enough information to allow the agency to contact you about this request. The processing of this request may be delayed if that agency is unable to contact you. Therefore, please provide any information that will allow the agency to contact you (name or name, telephone or fax number, e-mail address, e-mail address, etc.).

DESCRIBE THE GOVERNMENT RECORD

Describe the government record as specifically as possible so that it can be located. Try to provide a record name, subject matter, date, location, purpose, or names of persons to whom the record refers, or other information that would help the agency identify the record. A summary and accurate description of the government record you request will prevent delays in locating the record. Attach a second page if needed.

Records prepared by the Department of Health of restaurants inspected between June 1, 2006 and June 30, 2006.

WISHFUL THINKING

Please check one or more of the options below.

- ☐ To request the government record.
☒ A copy of the government record. (Please check one of the options below.) See the back of this page for information about fees that you may be required to pay for agency services to process your request. Note: Copying and reproduction charges may also apply to certain options.

- ☐ Pick up at agency (date and time):
☐ Mail:
☐ Fax (not free and only if available):
☒ Other (describe please specify): e-mail

- ☒ If the agency maintains the records in a form other than paper, please advise in which format you would prefer to have the record.

- ☒ Electronic: ☐ Audio ☐ Other (please specify):
☐ Check the box if you are entering a request to access a record in the public Internet (see waiver information on back).

SEE BACK FOR IMPORTANT INFORMATION

October 25, 2006

Chiyo L. Fukino, M.D.
Department of Health
Kinsu Hale
1250 Punchbowl Street
Honolulu, HI 96813

Re: Restaurant Inspection Records

Dear Dr. Fukino:

Please provide me with copies of all reports prepared by the Department of Health of any restaurants inspected between June 1, 2006 and June 30, 2006. My mailing address is 123 Rodas Drive, Beverly Hills, California 90210.

Thank you.

Very truly yours,

Keoki Public

Keoki Public
Keoki.Public@AOL.com
10/23/2006 02:35 PM

To: Department of Health@StateHIUS
cc:
bcc:
Subject: Record Request

Please provide me with copies of all reports prepared by the Department of Health of restaurants inspected from June 1, 2006 to June 30, 2006. Thank you.

Step 1

Identify the requested record

Step 2

Determine whether the agency
has the record

Step 3

Determine if an exception applies

5 Exceptions to Disclosure

1. Privacy Exception
2. Litigation Privilege Exception
3. Frustration Exception
4. Law or Order Exception
5. Legislature Exception



Step 4

Within 10 days, provide:

- Record
- Notice
- or -
- Acknowledgement

Fees

- May charge for:
 - search, review and segregation; and
 - any other lawful fees (e.g., copying fees)
- Prepayment allowed
 - 50% of estimated search, review and segregation fee and
 - 100% of other estimated fees

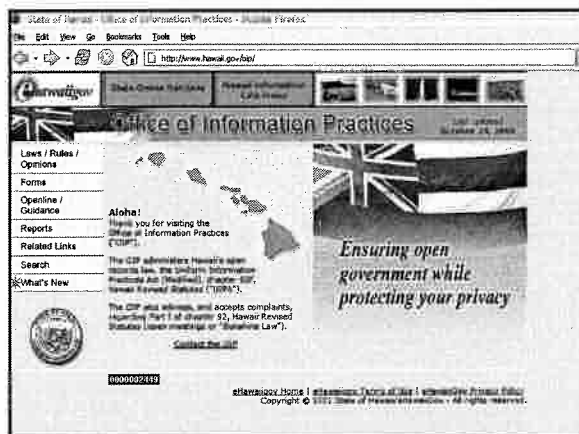


Step 5

Search, review and segregate

Step 6

Provide the record



Need Help?

- Call AOD 586-1400



- E-mail AOD: oip@hawaii.gov
- OIP Website: www.hawaii.gov/oip
